

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

ROBERT LEE ALLEN,  
Plaintiff,

DEBRA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

DEBRA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

V.

2:07-CV-982-WKW

AUTAUGA County SHERIFF  
Dept., et al.,  
Defendants,

PLAINTIFF'S RESPONSE AND ANSWER TO THE  
DEFENDANT'S REPORT TO THE MAGISTRATE AND  
ALSO DEFENDANT ANSWER AND AFFIRMATIVE DEFENSE

COMES NOW, The Plaintiff, Robert Lee ALLEN,  
PRO se, and Respect fully files this his  
Response, to the Defendant's Report.

Affirmative DEFENSE TO RESPONSE

The Plaintiff would state to this Honorable  
Court, that Defendant B. Dillon has asserted  
Numerous Defenses, some of which do not apply  
in this case.



Defendant Dillon has brought before this Honorable Court copies of Autauga Arrest Warrants, that he says was issued to him and signed by Sheriff HERBIE Johnson, for the arrest of the plaintiff on February the 7<sup>th</sup> day of 2007, IN Autauga County, but was executed in another County other than the County issuing the Warrant,

Yet, when this ARREST took place,

The plaintiff was not in Autauga County, where the Arrest warrants was issued for.

Yet, in TITLE 15-10-10 CODE OF ALABAMA, 1975 that section specifically states: A WARRANT OF ARREST SHALL BE EXECUTED IN THE COUNTY IN WHICH IT WAS ISSUED, UNLESS THE DEFENDANT, IS IN ANOTHER COUNTY, IT MAY BE EXECUTED THEREIN ON A WRITTEN ENDORSEMENT ON A WARRANT BY A Judge OR MAGISTRATE OF THAT COUNTY SIGNED BY HIM TO THE FOLLOWING EFFECT:  
" THIS WARRANT MAY BE EXECUTED  
IN ..... COUNTY.



The Phrase "within the State of Alabama" Merely completes the description of the Category of persons who may obtain and execute arrest warrants, to include all law enforcement officers within that category. The COMMITTEE COMMENT to rule 3.3 so indicates:

The rules provide a functional definition of 'law enforcement officer': Under the definition contained in rule 1.4(P), anyone who serves as an officer, employee, or agent of the State of Alabama who has a legal duty to maintain order and to make arrests (whether in a general or limited capacity) will be considered a 'law enforcement officer' and will be able to execute arrest warrants."

We conclude that the phrase "within the State of Alabama" does not address the question where arrest warrants may be executed, but only the question who may obtain and execute them. The Statutory restrictions on where arrest(s) warrants, once issued may be executed remain binding, to protect the public from imposters and to prevent the UNexplained disappearance of people from the County. Section 15-10-10, which the officers violated in this case, is a public safety statute.



It allows a judge or Magistrate in a particular County to pass on the Validity of an arrest warrant issued elsewhere and to pass on the identity and authority of the person who proposes to execute the warrant before that person may take someone there into custody and away from the County. Nothing in this Statute Conflicts with Rule 3.3 (a), Ala.R.crim.p., so as to imply that Rule 3.3(a) supersedes or preempts the Statute.

## ARREST

A law enforcement officer may not obtain an arrest warrant in one county and execute it in another county without also obtaining, before executing the warrant its endorsement by a judge or Magistrate of the County where the arrest is to take place.

Code 1975 § 15-10-10.

## BOSS V. NEFF 905 F.2d 1353-54

Illegal Arrest, We have implied that an arrest made outside of the arresting officer's jurisdiction violates the Fourth Amendment to the Constitution and is therefore actionable pursuant to 42 U.S.C. § 1983 under the appropriate circumstances.



TITLE 11-40-10, Police Jurisdiction

The police jurisdiction in cities having 6,000 or more inhabitants shall cover all adjoining territory within three miles of the corporate limits, and in cities having less than 6,000 inhabitants and in towns, such police jurisdiction shall extend also to the adjoining territory within a mile and a half of the corporate limits of such city or town.

TITLE 6-5-338 Peace officers on or off Duty Jurisdiction. A Police officer's arrest of the plaintiff outside the County containing the city employing the officer exceeded his authority and therefore his claim of peace officer immunity.

Moore V. CROCKER, 852 So. 2d 89 (Ala. 2002)

see Exhibits "A," "B," "C," "D," "E," "F," "G," "H," "I," "J"



IN the instant case, Defendant Dillon should not be allowed nor permitted to rely on Rule 3.3, A.R.C.R.P., for his authority to arrest without an arrest warrant outside the limits of Autauga County.

Rule 3.3 reads in part:

(A). By whom: The arrest/search warrant shall be directed to and may be executed by any law enforcement officer within the State of Alabama

(B). MANNER OF EXECUTION: AN ARREST WARRANT shall be executed by the Arrest of the Defendant,

(C). RETURN: The Law ENFORCEMENT Officer executing an Arrest Warrant shall endorse there on the manner and date of execution, shall subscribe his name, and shall Return the Arrest Warrant to the clerk of the Court specified in the Arrest Warrant

Defendant Dillon Arrest of plaintiff Allen outside the County containing the City employing Defendant Dillon exceeded his Authority and therefore foreclose his claims.



Plaintiff would respectfully request this Honorable Court to read the Enclosed Plaintiff's Exhibits, that are enclosed with this response, for this Honorable Court to view "A," "B," "C," "D," "E," "F," "G," "H," "I," "J"

The Plaintiff would state to this Honorable Court, that in order to overcome a Defendant's assertion of Qualified IMMUNITY, that the plaintiff must demonstrate that at the time of the alleged violation the contours of the allegedly violated rights were:

Sufficiently clear that a reasonable Official would understand that what he/she was doing violate(d) the laws and that particular right. "ANDERSON V. CREIGHTON"  
483 U.S. 635, 97 L. Ed. 2d. 523, 107 S. Ct. 3034 (1987)

The Plaintiff would state that by the time that he is done Pleading this case, that he feels that he will have done just that, that he will have demonstrated that the Defendant should



have reasonably know what the laws were and what rights he was violating.

IN the case of ANDISON(?) VS, ALLSTATE INSURANCE COMPANY  
58 F. Supp. 2d. 734 [10] (S.D. MISS. 1999), that in order  
to avoid Dismissal for Failure to State a claim, Plaintiff  
"MUST PLEAD SPECIFIC FACTS, NOT MERE CONCLUSORY  
ALLEGATION."

IN the instant case at bar, the plaintiff avers to  
this Honorable Court that he has plead specific facts,  
and that he has not alleged mere allegations as  
the Defendant suggests.

The Plaintiff would respectfully request that this  
HONORABLE COURT consider the violation of the Plaintiff's  
4<sup>th</sup> Amendment Right, these Arrest warrants were  
signed in one county and executed in Montgomery  
County, which is where the actual site of  
the arrest of the plaintiff Allen,

See Exhibit Attached



The Defendant further Claims Qualified IMMUNITY, And the plaintiff Request that this Honorable Court thus deny's this Request also, due to, the Defendant should have been able to exercise Reasonable Judgement in what is just and proper under the Circumstances.

The Defendant further Request that this Honorable Court allow him to plead and use the Defense of Sovereign IMMUNITY, In Response to this claim, the plaintiff States that he has not sued the Government or a State AGENCY, he has thus sued an Individual Acting Under the Color of State Law and in his Individual Capacity, and thus he should not be Allowed to plead this IMMUNITY.

The Defendant further goes on to plead and State that they did not violate any of the plaintiff's Constitutional Rights, to which the Plaintiff still Asserts that they did, and shows such by the A CCompanying Documents.

See Exhibits ATTACHED



The Defendant assert that all the actions that were undertook were Reasonable, legitimate, justified and legal under the circumstances, Yet the plaintiff asserts that this is not true at all, the Enclosed Exhibits show otherwise. (see Exhibits ATTACHED)

The Defendant further pleads that there is a lack of Causation between the plaintiff's Allegations and the Defendant's actions, yet, the Defendant has not proven this issue. The plaintiff would state that there is a Causation between the plaintiff's allegations and the Defendant's actions, Something happen, i.e., Captain Nixon was not an Eyewitness to this alleged violation, Autauga Deputy B. Dillon was, and he did not submit an Affidavit, and the the Deputy's Dillon Work Report, I also want a copy of the Alabama Uniform Arrest Report, for February 7, 2007. And I also want a copy of the Lowndes County and the Autauga County's Transfer Order showing where this Transferred took place in Montgomery, Al on February the 7<sup>th</sup> 2007, Submitted to the Honorable Court for its inspection.

See Exhibits Enclosed



The Defendant's further goes on to state, that there is no policy or Custom proximately, which violated the plaintiff's Constitutional Rights in this Cause, yet how can the Defendant claim this issue?

The Plaintiff states that the policy itself did not violate the plaintiff's Right, yet, it was the actions that were undertaken by the Defendant which in turn violated the plaintiff's Rights.

The plaintiff admits that no policy or Custom as the moving force as the Defendant claims behind the alleged Violations, but, that it was the actions of the Defendant's which violated the plaintiff's Rights.

The Defendant further states that the plaintiff's Complaint fails to state a Claim for which Relief can be granted, and the plaintiff denies this Allegation as well. There are numerous grounds on which this Honorable Court can grant and state that the Defendant's Violated his Constitutional Rights.



The Plaintiff would state that the fact that the plaintiff has pending charges against him have absolutely nothing at all to do with this Honorable Court, and that the notification of such to this Honorable Court is used solely to try and influence the Negativity towards the plaintiff, the Real ISSUE AT HAND IS The Violation of the PLAINTIFF'S Fourth Amendment.

It is the Plaintiff's position that while Defendant Dillon does hold the position and authority to arrest people in Autauga County, he must still Contact other Counties to Make an Arrest in their Jurisdiction and get Authorization.

Deputy Dillon CANNOT go outside the scope of the law, when it comes to dealing with the execution of Arrest WARRANTS, and the plaintiff would assert that this is one area, in which Deputy Dillon should have Considerable experience in being a Sheriff Deputy for a numerous Amount of years

See Exhibits Enclosed



Under the Alabama Constitution of 1901, Sheriffs are executive officers of the State of Alabama

see Alabama Constitution of 1901, art. V § 112;

OLIVER V. Townsend, 534 So. 2d 1038, 1044 (Ala. 1988)

A Sheriff employees are legally an extension of the Sheriff and are likewise considered officers of the State of Alabama. Absolute Immunity

AN Alabama Sheriff is immune from suit

except for actions brought (1) to compel him to perform his duties, (2) to compel him to perform ministerial acts, (3) to enjoin him from enforcing unconstitutional laws, (4) to enjoin him from acting in bad faith, fraudulently, beyond his authority, or under mistaken interpretation of the law, or (5) to seek construction of a statute under the Declaratory Judgement Act if he is a necessary party for the construction of the statute.

The plaintiff submitted several Grievance's forms to the Autauga County Sheriff's Dept, but never ever recieved any response back, on one occasion the plaintiff was called to the Captain's office but no action was taken.



The Plaintiff would further state to this Honorable Court, that he knows that the investigating staff has (5) five working days to investigate and return a written decision to the inmate. The procedure in which he follow was the jail procedure,

Plaintiff Allen, wants, a trial by jury to decide base on the evidence thats produce and the facts.

The Plaintiff would like the Honorable Court to look at all of the Exhibits real close and Match up the True Signatures and absorb the Deception in the Documents from the Lowndes County Sheriff's Department fraudulent signatures and Charge's on a Consolidated Bond.

The plaintiff Allen was released, after being told to sign this Bond, but after signing this fraudulent Consolidated Bond, Allen was transported outside their jurisdiction to be Arrested by an Autauga Deputy Sheriff Dillon outside his jurisdiction.

Please Examine the Exhibits thoroughly and see with your own eye's the Deception, in the Lowndes County release of the plaintiff



The Plaintiff Allen, Request this Honorable Court to review this Alleged Fraudulent release from their custody of Lowndes County Sheriff Department done on February the 7<sup>th</sup> day of 2007.

This Alleged fraudulent Document Release of the plaintiff Allen, thus Make his arrest by the Autauga County Sheriff Department illegal and a clear violation of his Constitutional and Civil Rights Guaranteed to him, in additio to ~~being~~ executing the Autauga County Arrest warrants outside both police Agency jurisdiction.

The Plaintiff believes and does believes that ~~the~~ Sheriff VAUGHNER, and Captain GRESHAM signature are fraudulent on the Enclosed Consolidated Appearance bond, as well as the Charge of recieving Stolen property 1<sup>st</sup> WR-06-434.

The plaintiff would Request the Honorable Court to Match Exhibit "C" true signatures

To the signatures of the Consolidated Bond and to the Enclosed Lowndes County Arrest, Warrant No# WR-06-434 this is someone else's Arrest warrant with plaintiff's Allen, name



written in after scratching out someone's else's name. I Request the Honorable court to please Match all signature's to the True signature's and while you are Matching signatures to the true signature's, Enclosed are (2) two Affidavits from pending civil action's. I am introducing these Affidavits as Exhibits base solely on their signature's to show the Honorable Court A pattern on how the Captain and Sheriff VAUGHNER are trying to write their names in a way in which to match the signature's on the Release Bond.

At the time of trial a Handwriting expert will decide for the Honorable Court to Decide on base on the facts. Actually you really don't need a handwriting expert to see the Deception in the Fraudulent Consolidated Bond and Lowndes County ARREST warrant WR- 06 - 434, then that would mean Defendant Dillon Executed the arrest warrants illegally, and thus everything that occurred was in violation of the plaintiff's Constitutional Rights, Which IS **INDEED A MATTER FOR THIS HONORABLE COURT TO DECIDE.**



## "B" Facts and Circumstances

The plaintiff, Allen would Request this Honorable Court to take its time and Review the Enclosed Exhibits Attached to this Report as Exhibits "A," "B," "C," "D," "E," "F," "G," "H," "I," and "J" and Made a part here of.)

The Defendant has made numerous ~~was~~ accusation about the plaintiff Allen, In their Special Report and Answer.

The plaintiff, will Demonstrate the stony Contours to this Honorable Court, and show as follows through attached Exhibits Defendants Response and answer are without merits, and thus inadmissable to this cause.

The ~~plaintiff~~ plaintiff will state, to this Honorable Court that his Rights were violated in Lowndes County.

On 2/7/2007, and 8/8/2006.

The plaintiff Request the Honorable Court to see Exhibits, "B," "C," "D," "E," "F," "I," and "J" attached



The plaintiff Request the Honorable Court to Retrieve Exhibit "C" copies of True Signature's and see how none of the signature's on the Exhibits "B," "D," "I," "J," come close to Matching up, I want you to see how Lowndes County, execute their Arrest warrants they Scratch out the original names and add whatever name's they choose's to put their, an arrest them, and also look at all of these signatures very closely it appears that some one other than Sheriff Vaughner sign his name on this Arrest warrant. also see Exhibits "E," and "F" attached.

The plaintiff is Requesting this Honorable Court to follow these instruction very carefully so that you can fully absorb how far Lowndes County Sheriff Department will go to cover up their mistakes, the facts in the Exhibits are INCONTRVERTIBLE, and at some point the Lowndes County Sheriff Dept. Decided to Exert their power and Authority, and is trying to use the Defense of clerical error, clerical error does not have nothing to do with these false signatures on the Lowndes County Arrest warrant, and Consolidated Appearance Bond.



Now I want the Court to match the  
Attached Exhibit "D" Consolidated Bond  
Signatures, up to Exhibits "I", and "J"  
Affidavit of Willie Vaughner signatures  
Dated May 4, 2007, (see Gresham signatures  
on these same affidavits as the Notary public)

plaintiff is merely establishing, Deception,  
and forgery and Reasonable Doubt,

Now please look at how the "V" and "H" in  
Sheriff Vaughner name on the Affidavits  
are different from the Consolidated Bond.

These Affidavits were submitted to the  
Honorable Court (4) four months after this  
Bond was sign as you can see the curve on  
the "V's are different from the Bond  
(see Exhibits of True signatures "C"

Match up to captain Gresham signatures  
Also) you can see she's Doing same in  
Concert.

The plaintiff Allen, had to submit these  
(Exhibits "B," "C," "D," "E," "F," "I," and "J,")  
to show this Honorable Court Allen Rights  
were Violated from the very beginning



and thus making the plaintiff arrest illegal by Autauga County before it even to place outside of both County jurisdiction

Now I want to address Autauga County on its Role it played in this Alleged illegal Arrest. (See Exhibit "A" Alabama Uniform Arrest Report Dated 2/7/2007.)

I want this Honorable Court to Review this Document Exhibit "A" closely, now where on this Document Do you see plaintiff Allen's SSN<sup>#</sup>, Number, now I want you to see the location of Arrest (Highway 80 + I. 85 Montgomery) these (2) two Highways are at least (6) six miles apart, they do not cross each other, but are separated at least six (6) Miles apart. Now on this same document Read line "44" forty-four "Type of ARREST" It states "Warrant" it has been check ✓ (See Exhibits "A", "G" and "H" Review these Documents closely please! Thank you! you Decide (Also read line "3", "46", "48", "56", "58" Now see Exhibit - "G" Read both letter's Attached)



21 of 24

I want the Honorable Court to Review Exhibit "G" it reads that plaintiff Allen has only 1. charge of Assault 2<sup>nd</sup> in Autauga

The plaintiff Allen, is merely establishing true facts, through his Exhibits that since his illegal Arrest in Lowndes County on 8-8-2006, and Alleged fraudulent Release on 2-7-2007, to the Custody of Autauga County to be Arrested outside of their jurisdiction on 2-7-2007. The plaintiff is establishing that their is a pattern in these police Agencies Conduct, in how this case has been handle.

Plaintiff Request this Honorable Court to take notice of Exhibit "D" it has case no "DC 06-578" in the top Right hand Corner this case no is incorrect. Now see Exhibit "E" letter dated 7-16-2007 Address to Lowndes County Clerk, Ruby Jones "please" their is no case no. for Receiving Stolen property 1<sup>st</sup> in Lowndes County AL.



County but if you look at Exhibit "A" you see several charges how can this be on the Attached letter to Exhibit "G" you will see a list of Antauga County Arrest warrant numbers that was mailed and filed in the District Court of Montgomery County on September the 18<sup>th</sup> 2007.

Now see Exhibit "H" now read how many charge's the plaintiff has now. please follow up allow this case to proceed.

## CONCLUSION

The plaintiff would state to this Honorable Court that every thing he has Alleged, happen in his Instant Complaint. That led yet to another alleged illegal arrest outside both police Agency jurisdiction. An we also have Alleged fraudulent Release we believe at the time of trail we would prove just that.



WHEREFORE, premises considered, the plaintiff would Respectfully request that this Honorable Court NOT allow the Defendant to plead or claim any of the Defenses or Immunities that he has Stated in his Response.

WHEREFORE, the plaintiff would further respectfully request that this Honorable Court let this case proceed, and let the plaintiff start his Discovery so that he might be able to prove his case further through the Documents that he would request, and the answer that the Defendant's would thus ultimately provide to him through and by Discovery

The plaintiff has already proven by the Exhibits that he has provided to this Honorable Court that something is not right Some where, and thus there should be Some right to find out the truth to this Matter.



## MOTION FOR SUMMARY JUDGMENT

Plaintiff respectfully request that this Honorable Court treat their plaintiff's Response and Answer to Defendant's Special Report and Answer as a Motion for SUMMARY Judgment, and grant unto them the same. and to take jurisdiction in this matter.

Pro se Robert L. Allen  
Autauga County Jail  
136 N. Court ST  
Prattville, AL 36067

## CERTIFICATE OF SERVICE

I Certify that I have served a copy of the foregoing Upon the Honorable Robert FAULK, Defendant Attorney by mailing a copy of the same in the U.S. Mail 1<sup>st</sup> class postage prepaid, this the 14<sup>th</sup> day of January 2008.

Robert L Allen  
136 N. COURT ST  
prattville, AL 36067

pro se Robert L Allen  
Robert L Allen

24 of 24



Robert Allen  
136 N. COURT, St  
PRATTVILLE, AL

Legal Mail  
Enclosed  
1 of 4

HONORABLE clerk, MRS. Debra Hackett  
UNITED STATES DISTRICT COURT  
P.O. Box 711  
Montgomery, AL 36101-0711

INMATE MAIL  
AUTAUGA METRO JAIL



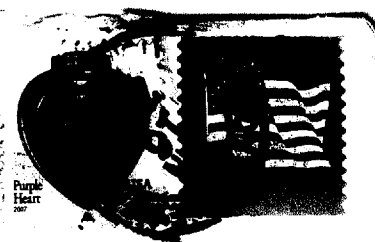


Robert L Allen  
136 N. COURT ST  
PRATTVILLE, AL 36067

Legal Mail  
Enclosed  
2 of 4

HONORABLE Clerk, Mrs. Debra Hackett  
UNITED STATES DISTRICT COURT  
P.O. BOX 711  
Montgomery, AL 36101-0711

INMATE MAIL  
AUTAUGA METRO JAIL





Robert Allen  
136 N. Court ST  
Prattville, Al 36067



Legal Mail  
Enclosed  
3 of 4

Honorable Clerk, MRS. Debra Hackett  
UNITED STATES DISTRICT COURT  
P.O. Box 711  
Montgomery, Al 36101-0711

INMATE MAIL  
AUTAUGA METRO JAIL



Robert Allen  
136 N. Court ST  
PRATTville, Al 36067

Legal MAIL  
Enclosed  
4 of 4

HONORABLE Clerk, Mrs. Debra Hackett  
UNITED STATES DISTRICT COURT  
P.O. Box 711  
Montgomery, Al 36101-0711



INMATE MAIL  
AUTAUGA METRO JAIL



## EXHIBIT CONTENT LIST

CIVIL ACTION no. 2:07-cv-982-WKW

### Exhibit "A"

Autauga Alabama UNIFORM Arrest Report Dated 2-7-2007

### Exhibit "B"

Lowndes County Arrest Warrant Wr 06-434, Dated 8-8-2006

### Exhibit "C"

True Copies of Sheriff, VAUGHNER, Capt. Gresham Signatures

### Exhibit "D"

Lowndes County Consolidated Appearance Bond, Dated 2-7-2007

### Exhibit "E"

Letter Dated 5-17-2007, Address to Mrs. Ruby Jones,  
Lowndes County Circuit Clerk

### Exhibit "F"

Letter Dated 7-16-2007, Address to Mrs. Ruby Jones,  
Lowndes County Circuit Clerk

### Exhibit "G"

Letter Dated November 13<sup>th</sup> 2007, Received from Montgomery  
Clerk, MRS. Melissa Rittenour, and attached letter Dated  
9-12-2007, Address to MRS. Melissa Rittenour from the  
plaintiff Robert L. Allen

### Exhibit "H"

Autauga County Docket Notice

### Exhibit "I", Civil Action no. 2:07-cv-85-WKW

Affidavit of Willie VAUGHNER, Capt. Gresham "Signatures"

### Exhibit "J", Civil Action no. 2:07-cv-90-ID

Affidavit of Willie VAUGHNER, Capt. Gresham "Signatures"

Altered to look like Consolidated Bond Exhibit "D"



A

DOMESTIC VIOLENCE  
DUAL ARREST

☐

## ALABAMA UNIFORM ARREST REPORT

Fingerprinted R84 Completed

☐ Yes ☐ Yes

☐ No ☐ No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION	1 ORI #	2 AGENCY NAME		3 CASE #		4 BFX	
	0040000		AUTANGA C.O. SHERIFF		WR.2006165		
	5 LAST, FIRST, MIDDLE NAME						
	ALLEN ROBERT LEE						
ARREST	7 SEX	8 RACE	9 HGT.	10 WGT.	11 EYE	12 HAIR	13 SKIN
	M	W	6'2	195	BRO	BLK	
	F	B					
	15 PLACE OF BIRTH (CITY, COUNTY STATE)		16 SSN		17 DATE OF BIRTH		18 AGE
	ST LOUIS MO. F.H.				090164		42
	20 SID #	21 FINGERPRINT CLASS			22 DL #		23 ST
		KEY MAJOR PRIMARY SCOV SUB-SECONDARY FINAL					
	24 FBI #	HENRY CLASS			25 IDENTIFICATION COMMENTS		
		NCIC CLASS					
	26 RESIDENT	27 HOME ADDRESS (STREET, CITY, STATE, ZIP)		28 RESIDENCE PHONE		29 OCCUPATION (BE SPECIFIC)	
NON-RESIDENT	1025 BLUEBERRY LN.		(3615408)				
VEHICLE	30 EMPLOYER (NAME OF COMPANY/SCHOOL)		31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)		32 BUSINESS PHONE		
	NONE				( )		
	33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP)		34 SECTOR #		35 ARRESTED FOR YOUR JURISDICTION?		
	HIGHWAY 80 & I-85 MONTGOMERY				YES NO		
	36 CONDITION OF ARRESTEE		37 REGIST. ARREST?		38 INJURIES?		
	DRUNK SOBER		YES NO		NONE		
	ARRESTEE: DRINKING DRUGS		OFFICER ARRESTEE		ARMED?		
					Y N		
	41 DATE OF ARREST		42 TIME OF ARREST		43 DAY OF ARREST		
	0210207		1:33		S M T W T F S		
JUVENILE	44 CHARGE - 1		45 UCR CODE		46 CHARGE - 2		
	FEL MISD				FEL MISD		
	ASSAULT I				HEAVING SCARF		
	50 STATE CODE/LOCAL ORDINANCE		51 WARRANT #		52 DATE ISSUED		
	13A-4-2		28503		08/13/06		
	53 CHARGE - 3		54 UCR CODE		55 CHARGE - 4		
	FEL MISD				FEL MISD		
	ASSAULT 2				RECKLESS ENDANGERMENT		
	56 STATE CODE/LOCAL ORDINANCE		57 WARRANT #		58 DATE ISSUED		
	13A-4-2		28504		08/13/06		
RELEASE	59 ARREST DISPOSITION		60 IF OUT ON RELEASE		61 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)		
	HELD TOT-LE		WHAT TYPE?				
	BAIL OTHER				62 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)		
	RELEASED						
	70 VTR	71 VMA	72 VMO	73 VST	74 VCO	75 TAG #	76 LBS
					TOP BOTTOM		
	78 VIN	79 IMPOUNDED?		80 STORAGE LOCATION/IMPOUND #			
		YES NO					
	81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED						
	CONTINUED IN NARRATIVE						
RELEASE	82 JUVENILE DISPOSITION		83 REF. TO WELFARE AGENCY		84 REF. TO ADULT COURT		
	HANDLED AND RELEASED		REF. TO JUVENILE COURT		REF. TO OTHER POLICE AGENCY		
	85 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)		86 ADDRESS (STREET, CITY, STATE, ZIP)		87 PHONE		
					( )		
	88 PARENTS EMPLOYER		89 OCCUPATION		90 ADDRESS (STREET, CITY, STATE, ZIP)		
					( )		
	91 DATE AND TIME OF RELEASE		92 RELEASING OFFICER NAME		93 AGENCY/DIVISION		94 ID #
	M D Y . AM PM						
	95 RELEASED TO		96 AGENCY/DIVISION		97 AGENCY ADDRESS		
98 PERSONAL PROPERTY RELEASED TO ARRESTEE		99 PROPERTY NOT RELEASED/HELD AT:		100 PROPERTY #			
YES NO PARTIAL							
101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)							
102 SIGNATURE OF RECEIVING OFFICER							
103 SIGNATURE OF RELEASING OFFICER							
104 CASE #							
105 SFX							
106 CASE #							
107 SFX							
108 CASE #							
109 SFX							
110 ADDITIONAL CASES CLOSED NARRATIVE							
Y N							



## W A R R A N T

STATE OF ALABAMA

LOWNDES COUNTY

DISTRICT COURT

AGENCY NUMBER: C

WARRANT NUMBER: WR 2006 000434.00  
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST JAMES THOMAS AND BRING HIM/HER BEFORE THE DISTRICT COURT OF LOWNDES COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

REC STOLEN PROP 1ST CLASS: B TYPE: F COUNTS: 001  
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF \_\_\_\_\_, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 08 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$20,000.00 BOND TYPE: PROPERTY BOND  
(2) \_\_\_\_\_  
(3) \_\_\_\_\_

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: REC STOLEN PROP 1ST 13A-008-017 F FELONY

NAME: JAMES THOMAS

Robert Lee Allen

ADDRESS: C/O LO. CO. SHERIFF'S

ALIAS:

ADDRESS: OFFICE P O BOX 157

ALIAS:

CITY: HAYNEVILLE

STATE: AL

ZIP: 36040 0000

1025 Blueberry Ln. Prattville AL 36105

PHONE: 000 000 0000 EXT: 000

EMPLOYMENT:

DOB: 8/27/66/0000-09/06/1944

RACE: B

SEX: M

HAIR: BLK

EYE: BRN

HEIGHT: 5'00"

WEIGHT: 163

DL NUM:

SID: 0000000000

SSN:

DL NUM:

267-75-5691

## E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

( ) PLACING DEFENDANT IN THE LOWNDES COUNTY JAIL

( ) RELEASING DEFENDANT ON APPEARANCE BOND

THIS 8 DAY OF Aug 2006

SHERIFF

BY

COMPLAINANT:

INV. RUFUS HARRISON  
C/O SHERIFF'S DEPT.  
P O BOX 157  
HAYNEVILLE AL 36040

OPERATOR: RUJ

DATE: 08/08/2006

DATE

EXHIBIT NUMBER

22



## ALABAMA JUDICIAL INFORMATION SYSTEM

\* \* \* IN THE DISTRICT COURT OF LOWNDES COUNTY \* \* \*

AGENCY NUMBER: C

WARRANT NUMBER: WR 2006 000434.00  
OTHER CASE NBR:

## C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF LOWNDES COUNTY, ALABAMA, PERSONALLY APPEARED INV. RUFUS HARALSON WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT JAMES THOMAS DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

DID ON OR ABOUT 8/8/06, INTENTIONALLY RECEIVE, RETAIN OR DISPOSE OF STOLEN PROPERTY, TO-WIT: 1980 FORD F150 PICKUP TRUCK, THE PROPERTY OF, TO-WIT: JOHN FARRIOR, KNOWING THAT IT WAS STOLEN OR HAVING REASONABLE GROUNDS TO BELIEVE IT HAD BEEN STOLEN AND NOT HAVING THE INTENT TO RESTORE IT TO ITS OWNER! IN VIOLATION OF 13A-008-017 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

*Inv. Rufus Haralson*  
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 08 DAY OF AUGUST, 2006.

*Chely Jones*  
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: REC STOLEN PROP 1ST 13A-008-017 F FELONY

WITNESS FOR THE STATE

INV. RUFUS HARALSON /C/O SHERIFF'S DEPT./P O BOX 157/HAYNEVILLE/36040

PROPERTY OF  
ALABAMA BUREAU OF INVESTIGATION

PERATOR: RUJ DATE: 08/08/2006

COPY TO

FURNISHED BY

DATE

EXHIBIT NUMBER

22



True Signatures

"C"

1 of 3

## INMATE NOTICE

To: All Lowndes County Inmates

From: Sheriff / Jail Administrator

REFERENCE: OVER THE COUNTER MEDICINES

AS OF FEBRUARY 1, 2005 THERE WILL BE A .25 CENT CO-CHARGE FOR TYLENOL AND SINUS MEDICINE. THIS CHARGE WILL BE DEDUCTED FROM YOUR COMMISSARY MONEY.

Willie Vaughner

- - *Willie Vaughner*  
SHERIFF OF LOWNDES COUNTY



"C"

2 of 3

LOWNDES COUNTY DETENTION FACILITY

INMATE NOTICE:

TO: ALL INMATES

FROM: WILLIE VAUGHNER  
SHERIFF

REFERENCE: ALL DOCTOR VISITS AND PRESCRIPTIONS.

AS OF NOVEMBER 1, 2002 THERE WILL BE A \$12.00 CHARGE FOR EACH DOCTOR VISIT AND \$12.00 FOR EACH PRESCRIPTION THAT WE HAVE FILLED. THIS CHARGE WILL BE DEDUCTED FROM YOUR COMMISSARY MONEY.

  
WILLIE VAUGHNER

SHERIFF OF LOWNDES COUNTY



"C"  
3 of 3

LOWNDES COUNTY DETENTION FACILITY

INMATE NOTICE

TO: ALL INMATES

FROM: CAPT L. GRESHAM  
ADMINISTRATOR

REF: DOO RAGS/HEAD RAGS

EFFECTIVE APRIL 18, 2005, NO HEAD RAGS WILL BE WORN WHILE YOU ARE HERE AT THIS FACILITY. YOUR PRIVILEGE WILL BE TAKEN. IF YOU ARE WEARING A HEAD RAGS, NO RAGES ARE TO BE WORN AT ANY TIME.

THANKS IN ADVANCE

Capt. L. Gresham  
CAPT. L. GRESHAM



D

State of Alabama Unified Judicial System Form CR-10 Rev. 8/98	<b>CONSOLIDATED APPEARANCE BOND</b> (District Court, Grand Jury, Circuit Court)	Case Number <b>DC 06-578</b>
---	--	---------------------------------

IN THE Circuit COURT OF Lowndes, ALABAMA  
(Circuit or District) (Name of County)

STATE OF ALABAMA v. Robert Allen  
Defendant

I, Robert Allen (Defendant), as principal,  
and I (we), \_\_\_\_\_  
(Please print)

\_\_\_\_\_, as surety(ies), agree to pay the State of Alabama the sum of \$ 30,000.00 and such costs as authorized by law unless the above-named defendant appears before the district court of the county on \_\_\_\_\_ (date) at \_\_\_\_\_ M. (time) (if date and time are unknown, the words "the scheduled" may be placed in the date blank and a line may be placed in the space for time) and from time to time thereafter until discharged by law or at the next session of circuit court of the county; there to await the action by the grand jury and from session to session thereafter until discharged by law to answer to the charge of Rec. Stolen Property 1st or any other charge as authorized by law.

We hereby severally certify that we have property valued over and above all debts and liabilities that has a fair market value equal to or greater than the amount of the above bond; and we, and each of us, waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt by the constitution and laws of the State of Alabama, and we especially waive our rights to claim as exempt our wages or salary that we have under the laws of Alabama, and our rights to homestead exemption that we have under the Constitution of Alabama and the laws of the State of Alabama, as set out in a separate writing.

It is agreed and understood that this is a consolidated bond, eliminating the necessity for multiple bonds and that it shall continue in full force and effect, until the defendant appears before the district court or circuit court, whichever has jurisdiction, to answer the above charge, and from time to time thereafter until the defendant is discharged by law, or, until such time as the undersigned sureties are otherwise duly exonerated as provided by law.

Signed and sealed this date with notice that false statements are punishable as perjury.

Signature of Defendant <u>Robert Allen</u> (L.S.)			
Address (print) <u>1025 Audubon Lane</u>		City <u>Prattville</u>	State <u>AL</u>
Zip <u>36067</u>			
Signature of Surety/Agent of Professional Surety or Bail Company (L.S.)		Signature of Surety/Agent of Professional Surety or Bail Company (L.S.)	
Social Security Number	Telephone Number	Social Security Number	Telephone Number
Address (print)	City	State	Zip
Signature of Surety/Agent of Professional Surety or Bail Company (L.S.)		Signature of Surety/Agent of Professional Surety or Bail Company (L.S.)	
Social Security Number	Telephone Number	Social Security Number	Telephone Number
Address (print)	City	State	Zip

Feb 7, 2007  
Date

Willie Vaughner  
Approved by: Judge/Magistrate/Sheriff  
Capt. Luma  
By: Deputy Sheriff

Defendant's Information					
Date of Birth <u>9/6/1964</u>	Sex <u>M</u>	Height <u>6'3</u>	Weight <u>195</u>	Employer	
Social Security Number <u>267-75-5691</u>	Race <u>Blk</u>	Hair <u>Blk</u>	Eyes <u>Bro</u>	Employer's Address	
Driver's License Number ( )	State	Telephone Number <u>334) 361-5408</u>	Employer's Telephone Number		



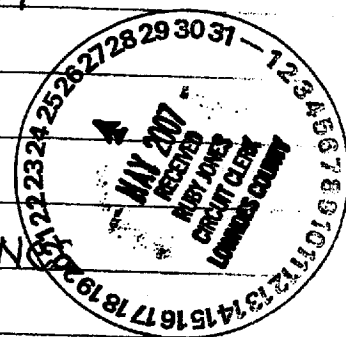
Please Stamp with your Seal  
And send Me back ... Copy At the  
Jail Thank you

5-17-2007

1 of 3

INMATE NAME: Robert Allen, PROSE

Office of the Clerk, the Honorable Ruby Jones  
The Clerk of Lowndes County ALABAMA



Re: Request For Documents

Robert Allen  
136 N Court St  
Prattville AL 36067-  
3002

Please Staple All three Bonds together, Separate

As you Already know, I Am pursuing possible  
post-conviction Remedies IN My case, case  
NO. DC 06-578. I want A Copy of this Document

below And A couple copies of Another Document  
I ASK the Clerk's office to do A ~~thorough~~ Complete  
Search For Requested ARREST (ENDORSE) warrants

1.) I want A Copy of ARREST warrants that  
IN your files of Records, that the judge OR  
Magistrate of Lowndes County, put their  
WRITTEN Endorsement ON to Allow Autauga  
County to Execute A ARREST WARRANT ON  
Robert Allen ON these dates listed Below  
I was INform by the Courts to get these Copies  
FROM Lowndes County Clerks office; Here is the  
Dates that Robert Allen, was ARRESTED by Autauga  
County AFTER Already being IN Lowndes County Custody  
And TRANSFER over to Autauga County.

Dates: 10-10-2006 And ~~2-7-2007~~ 2-7-2007.



2 of 3

5-17-2007

Robert Allen, prose, ONLY want the Endorse  
ARREST warrants, that is sign by Any judge OR  
MAGISTRATE of Lowndes County, that sign the  
ARREST warrant FROM Autauga County Do your  
office have A Copy of these Autauga  
County ARREST warrants EXECUTED  
IN your County AND IN ~~MONTGOMERY~~ County.  
CIRCLE ONE Yes - OR NO

IF you Answer NO please, Explain to Robert  
Allen why you don't have A Copy of these ARREST  
warrants EXECUTED IN Lowndes County, And MONTGOMERY  
County, Lowndes County Deputies of the Sheriff's  
Department was present At each time Robert Allen  
was Arrested And taken From their Custody.

2.) To the, HONORABLE Clerk, Robert Allen, prose  
is lacking His Motion of DISCOVERY MATERIALS  
Can you check on its progress.

3.) I want you to send (me) Robert Allen, prose  
(3) three Copies of his Appearance Bond  
Because Robert Allen has no way of Making Copies  
And he needs to submit them with other Documents  
to the Courts Thank you

prose Robert Allen

5-17-2007



3 of 3

Thank you for putting up with me, And 5-17-2007  
Your cooperation in this matter

- 4.) I M Sorry For the Misunderstanding, IN my last ReQuest what I was Requesting was Not A Copy of My case Action Summary but A Full Copy of ANY And All Documents thats listed ON My case Action Summary IN Full. AS you Already Know Robert Allen is pro se And All of these Documents Are vital to his defense I know you have these documents And Robert Allen, pro se wants A Full copy of All And Any IN Short ~~the~~ every thing thats been before the judge OR MagistRate so that I can properly prepare My defense
- 5.) Robert Allen wants to know why your office don't know what A "B" Bond is when it is listed ON Robert Allen Case Action Summary, ~~be~~ sheet. It not a "B" Bond B stands for Bond.
- 6.) To, the Clerk, Ruby Jones, ROBERT Allen, pro se. Would like to know how MANY times, Robert Allen been ARBested IN the County of Lowndes. I Already know your Office has Access to this INFORMATION I have ReQuested. SO I ReQuest that you Attain these documents by way of Fax MACHINE OR other means
- 7.) I want A Copy of Robert Allen A CRIMINAL Background
- 8.) I want to know has Robert Allen, Charge of TheFt OF PRoperty 1<sup>st</sup>, Been Change to Another Charge since 8-8-06  
Circle one yes or (NO) Robert Allen pro se Arrest date



"F" CC 07-56

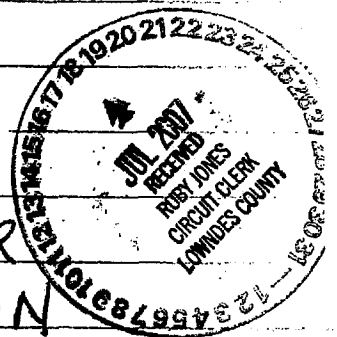
Please STAMP with your 7-16-2007  
NOTARY SEAL AND MAIL ME  
A Copy At the Autauga County Jail

INMATE NAME: Robert Lee Allen

SSN: 267-75-5691, Birth date: 9-1-1964

TO: HONORABLE Clerk, Ruby Jones

Re: Requesting INFORMATION



- 1.) IS there A case Number for  
Receiving Stolen Property ON  
Robert Lee Allen, SSN: 267-75-5691,  
Birth Date: 9-1-1964? Not in Lowndes  
County. I show you had a charge in Mobile IN 1999 For Receiving  
stolen Property
- 2.) I want a Copy of the Case Action  
Summary. You will need to contact the MOBILE County  
Clerk's Office
- 3.) I want A Copy of the TRANSPORT  
ORDER done ON Robert Lee Allen  
7-11-2007.

Sincerely

Thank You

7-16-2006

Robert Allen





**Melissa Rittenour**, Clerk and Register, Circuit Court Montgomery County

Telephone (334) 832-1260

Montgomery County Courthouse, P.O. Box 1667, Montgomery, AL 36102-1667

November 13, 2007

Mr. Robert Lee Allen  
Autauga County Jail  
136 North Court Street  
Prattville, Alabama 36067-3002

Dear Mr. Allen:

I am in receipt of your letter requesting information regarding Autauga County Arrest Warrants. In viewing the state wide index I found several cases under the name of Robert Lee Allen with a date of birth of September 1, 1964. There were only two cases in 2007, one in Autauga County, Case Number CC-2007-244 for Assault 2<sup>nd</sup> and the other one in Lowndes County, CC-2007-56 for Theft of Property 1st. I cannot verify these cases belong to you as neither one gave a social security number or a warrant number. I found no cases listed under your name in Montgomery County.

I am unsure as to your meaning of "endorse or pass on the validity" of the warrant numbers listed in your letter. I am not an attorney and do not presume to be one, however, to the best of my knowledge if there is an outstanding warrant, no matter the jurisdiction that warrant is located, a person could be arrested in any county within the state. Also, depending on the severity of a charge and whether a county would want to extradite, a person could be arrested on an outstanding warrant while in another state.

We do not have access to City records; therefore, you will need to correspond directly with them.

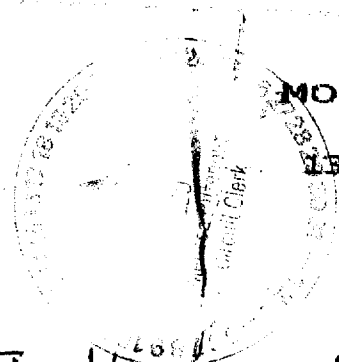
Sincerely,

A handwritten signature in cursive script that reads "Melissa Rittenour".

Melissa Rittenour,  
Montgomery County Circuit Clerk

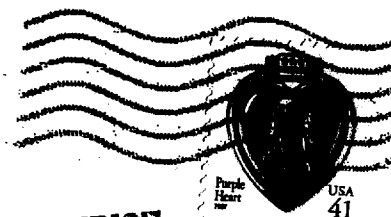


MR. Robert Lee Allen  
Autauga County Jail  
136 N. Court St  
Prattville, AL 36067-3002



MONTGOMERY AL 361

13 SEP 2007 PM 2 L



NO RECORD FOUND IN DISTRICT  
COURT OF MONTGOMERY COUNTY

To, The Honorable Circuit Clerk, Melissa Rittenour  
100 South Lawrence Street  
Montgomery, AL 36104

NO RECORD FOUND IN DISTRICT  
COURT OF MONTGOMERY COUNTY

36104+4203



11  
G



RECORD FOUND IN DISTRICT  
COURT OF MONTGOMERY COUNTY

Date: 9-12-2007

Date 9-12-2007

PLEASE STAMP with your SEAL And MAKE Me  
A Copy. And Send back by U.S. MAIL. STAMP Envelope  
Also And Send back Enclosed.

YOUR Earliest and Most Serious Attention to this  
ReQuest IS Most Appaeciaded. Thank you.

INMATE NAME: Robert Lee Allen, PRO se

RECORD FOUND IN DISTRICT  
COURT OF MONTGOMERY COUNTY

To: M.C.S.D., Department, HONORABLE Melissa Rittenour  
Circuit Clerk of Montgomery County,

FILED DISTRICT COURT  
MONTGOMERY COUNTY  
SEP 18 PM 4:11

Re: Requesting INFORMATION, and Documents, Ch  
Your Records And send me copies

I, Robert Lee Allen, PRO se, Soc Number. 267-75-591,  
Birth Date 9/01/1964.

I am proceeding to pursue possible post-Conviction  
Remedies. I make this Request pursuant to the Code  
of Alabama 12-17-94; Article I, Section 6 of the  
Alabama Constitution.

"Autauga County Warrants"

1.) I want to know if you or Any Magistrate or  
Judge in Montgomery County, Alabama, Melissa Rittenour  
the Clerk, Endorse, OR pass on the Validity on these  
ARREST WARRANTS: Circle one: YES OR NO

WR-06-165 / WR-06-166 / WR-06-167 / WR-06-168 / WR-06-169  
DC-07-161 / DC-07-162 / DC-07-163 / DC-07-164 / DC-07-165

9-12-2007 PRO se Robert Lee Allen



JOHN B BUSH

DOCKET DATE NOTICE

CASE: CC 2007 000244.0

DEFENDANT, ATTORNEY(S), AND ALL WITNESSES MUST APPEAR BEFORE THIS COURT  
FOR PLEA DOCKET AT THE TIME AND PLACE STATED BELOW.

DEFENDANT: ALLEN ROBERT LEE  
ATTORNEY: PERDUE D WAYNE

DATE: 04/11/2008  
TIME: 08:00 AM  
CHARGE: ASSAULT 2ND DEGREE

PLACE: AUTAUGA COUNTY COURTHOUSE  
CIRCUIT COURT  
PRATTVILLE AL 36067

ALLEN ROBERT LEE  
C/O AUTAUGA METRO JAIL  
PRATTVILLE AL 36067 0000

NOTES:

DATE ISSUED: 10/10/2007

WHIT MONCRIEF

, CLERK

**DEFT'S  
COPY**

ERATOR: DEH  
IPARED: 10/10/2007



## Civil Actions

NO. 2:07-cv-85-WKW

NO. 2:07-cv-90-ID

These Affidavits Are submitted  
as Exhibits so the HONORABLE  
Court, Can Match these signatures  
to the Consolidated Bond, and see  
the Deception, Now Match up all signatures  
To Exhibit "C" True signatures.

You Decide is this Reasonable  
Doubt!



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ROBERT LEE ALLEN,**

**Plaintiff,**

**V.**

**SHERIFF WILLIE VAUGHNER, et al.,**

**Defendants.**

**Civil Action No. 2:07-cv-85-WKW-WC**

**AFFIDAVIT OF WILLIE VAUGHNER**

STATE OF ALABAMA

**COUNTY OF LOWNDES**

**BEFORE ME**, the undersigned authority and Notary Public in and for said County and State at large, personally appeared Willie Vaughner, who being known to me and being by me first duly sworn on oath deposes and says as follows:

1. My name is Willie Vaughner. I am over the age of nineteen and competent to make this affidavit. I am the duly elected Sheriff of Lowndes County, Alabama and was serving as such at the time of the incident made the basis of the Plaintiff's Complaint.

2. It is the policy of the Lowndes County Sheriff's Office that inmates in the Lowndes County Jail be given a clean, wholesome, and balanced diet in order to maintain their physical health during the time they are incarcerated in the jail. Members of the jail staff are charged with overseeing the production of food in the jail's kitchen, and ensuring that it is produced in a clean and sanitary environment and manner. Service of food is overseen by members of the jail staff in order to ensure that the procedure is properly done, and that inmates



receive the food that was intended for them. All cooking and eating utensils are washed and sanitized on a regular basis, and the kitchen itself is cleaned daily.

3. It is the policy of the Lowndes County Sheriff's Office that persons incarcerated in the Lowndes County Jail be given access to medical care comparable to that available to citizens in the surrounding community and that their physical and mental health care needs be provided for during the time they are incarcerated. In order to facilitate this goal, Lowndes County, Alabama employs a nursing service which staffs the Lowndes County, Alabama Jail with nurses either present at the facility, or on call, on a continuous basis. Inmates may, at any time, make requests for medical care. All inmate requests for medical care are forwarded to the jail nurse, who makes all decisions regarding further treatment. Should additional treatment be required, the nurse gives directions to the Jail Administrator, Captain Laura Gresham, in order that an appointment may be made with an outside physician. Inmates are routinely transported to such appointments.

4. In emergency situations, paramedics or an ambulance service may be summoned to the Lowndes County Jail. After hours, when no nurse is present, if a medical situation presents itself to a member of the jail staff, and there is any doubt whatsoever as to whether an inmate needs treatment, paramedics are summoned to the jail, and their directions are followed.

5. At no time does any member of the jail staff substitute his or her judgment for the medical judgment of nurses, paramedics, or doctors. No member of the jail staff is allowed to make any type of medical decisions for the inmates. When orders regarding a particular inmate are given concerning medical treatment, prescriptions, or other procedures, such orders are followed by members of the jail staff. Similarly, should an inmate be dissatisfied with the treatment he receives from a doctor, and requests a different course of treatment, no member of



the jail staff is authorized to deviate from the course of treatment prescribed by the health care provider. The only exception to this general rule would be when the inmate himself refuses to follow a course of treatment, such as refusing medication.

6. It is the policy of the Lowndes County, Alabama Sheriff's Office to distribute medication to inmates at the Lowndes County Jail according to the inmates' doctors' directions. All medication for inmates in the Lowndes County, Alabama Jail is obtained from IHS Pharmacy in "blister packs." This packaging is on a "per dose" basis for each inmate, with the proper dosage pre-measured, and the time for distribution noted. When nurses are present at the jail, they are responsible for distributing medication. In other hours, the nurses' directions are followed regarding distributing the medication directly from the blister packs.

7. In emergency situations, paramedics or an ambulance service may be summoned to the Lowndes County Jail. After hours, when no nurse is present, if a medical situation presents itself to a member of the jail staff, and there is any doubt whatsoever as to whether an inmate needs treatment, paramedics are summoned to the jail, and their directions are followed.

8. At no time does any member of the jail staff substitute his or her judgment for the medical judgment of nurses, paramedics, or doctors. No member of the jail staff is allowed to make any type of medical decisions for the inmates. When orders regarding a particular inmate are given concerning medical treatment, prescriptions, or other procedures, such orders are followed by members of the jail staff. Similarly, should an inmate be dissatisfied with the treatment he receives from a doctor, and requests a different course of treatment, no member of the jail staff is authorized to deviate from the course of treatment prescribed by the health care provider. The only exception to this general rule would be when the inmate himself refuses to follow a course of treatment, such as refusing medication.



9. It is the policy of the Lowndes County, Alabama Sheriff's Office to distribute medication to inmates at the Lowndes County Jail according to the inmates' doctors' directions. All medication for inmates in the Lowndes County, Alabama Jail is obtained from IHS Pharmacy in "blister packs." This packaging is on a "per dose" basis for each inmate, with the proper dosage pre-measured, and the time for distribution noted. When nurses are present at the jail, they are responsible for distributing medication. In other hours, the nurses' directions are followed regarding distributing the medication directly from the blister packs.

10. It is the policy of the Lowndes County Sheriff's Office that conditions in the Lowndes County, Alabama Jail be maintained in a clean, orderly, and wholesome manner. Laundry services are provided to inmates for bedding, clothing, and other items. Hot showers are available on a daily basis, unless security conditions dictate otherwise. Cleaning materials are made available to inmates for their cell areas, and inmates are required to keep those areas clean. Common areas of the jail are cleaned by trusty inmates.

11. It is the policy of the Lowndes County Sheriff's Office that inmates be allowed outside exercise, and access to fresh air and sunlight in the jail's recreation area as often as possible. Members of the jail staff are instructed that, when sufficient personnel are present, inmates be scheduled for outdoor recreation.

12. The Plaintiff in this action, Robert Lee Allen, submitted numerous inmate requests/grievance forms to members of the jail staff during his incarceration. All grievances submitted by Mr. Allen were placed in his jail file, per standard operating procedure. I do not remember receiving any request or complaint from the Plaintiff concerning any of the allegations made in his Complaint. Accordingly, the Plaintiff has failed to exhaust his administrative remedies at the Lowndes County Detention Facility.



13. I deny that I have acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of any right to which he was entitled.


14. I certify and state that the documents provided to this Court which are attached to the Defendants' Special Report are true and correct copies of inmate records kept at the Lowndes County Jail in the regular course of business.

15. I have read the foregoing Report and I swear that the information contained therein is true and correct to the best of my present knowledge.

16. I swear, to the best of my present knowledge, that the above statements are true, that I am competent to make this affidavit, and that the above statements are made by drawing from my personal knowledge of the situation.

  
WILLIE VAUGHNER

SWORN TO and SUBSCRIBED before me this the 4th day of May, 2007.

  
NOTARY PUBLIC  
My Commission Expires: April 6, 2010

(SEAL)



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ROBERT LEE ALLEN,**

**Plaintiff,**

**V.**

**WILLIE VAUGHNER, et al.,**

**Defendants.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Civil Action No. 2:07-cv-90-ID-WC**

**AFFIDAVIT OF WILLIE VAUGHNER**

**STATE OF ALABAMA**

**COUNTY OF LOWNDES**

)  
)  
)

**BEFORE ME**, the undersigned authority and Notary Public in and for said County and State at large, personally appeared Willie Vaughner, who being known to me and being by me first duly sworn on oath deposes and says as follows:

1. My name is Willie Vaughner. I am over the age of nineteen and competent to make this affidavit. I am the duly elected Sheriff of Lowndes County, Alabama and was serving as such at the time of the incident made the basis of the Plaintiff's Complaint.

2. It is the policy of the Lowndes County Sheriff's Office that force be used in the Lowndes County, Alabama Jail only to the extent necessary to control persons who present a threat to correctional officers, other inmates, the public, or themselves, or who threaten the orderly operation of the jail facility. When force is used, members of the jail staff, or, as appropriate, officers who are called to the jail to deal with problems or potential problems, are to use the minimum amount of force necessary to resolve the situation. Force is used on a sliding



scale, with the beginning of any confrontation being conducted by trying to reason with an inmate; thereafter, other methods of force may be used, as appropriate, should the inmate escalate his behavior, or refuse to follow directions.

3. It is the policy of the Lowndes County Sheriff's Office that, whenever possible, such mail coming into the Lowndes County Jail be opened, but not read, in front of the inmate to whom it is addressed, or allow the inmate himself, in the presence of a correctional officer, to open the mail. Other mail is subject to being opened, searched, and read. These procedures are necessary in order to prevent the introduction of contraband into the jail.

4. Though a taser device was activated during the attempt to make Mr. Allen go into a holding cell, at no time was the device deployed, or used in any way, against Mr. Allen. In fact, no force of any kind was used against Mr. Allen at any time during this incident. To my knowledge, no one even touched Mr. Allen during this entire process. The mere threat of force, rather than the use of force itself, caused Mr. Allen to comply with the officers' orders.

5. The Plaintiff complains, in addition to the above, that he was placed in isolation without any type of disciplinary order. His Complaint appears to state that he was placed there for an indefinite period of time, which, at the time of his writing, exceeded three or four weeks. The Plaintiff's allegations are simply untrue. On the date of the incident referenced above, January 22, 2007, Inmate Allen was taken from the dormitory area of the jail and placed in a holding cell. This was due to the fact that he had consistently misbehaved in the dormitory area, was disorderly, and was causing numerous disruptions. Officer Gresham reported these disruptions, in addition to the disruption of the light fixture and damage to the window to me. I ordered that Allen be moved to a holding cell for administrative segregation until he agreed to comply with jail rules.



6. Inmate Allen was placed in administrative segregation in a holding cell of the Lowndes County Jail on January 22, 2007. After speaking with members of the jail staff, he agreed to modify his behavior, and returned to jail population within two days of the time he was placed in administrative segregation. No disciplinary charges were brought against Inmate Allen, and no disciplinary action was taken against him. I made a decision to not charge Mr. Allen with destruction of county property, due to the fact that it would have kept him incarcerated in Lowndes County for a longer period of time when, otherwise, Mr. Allen could be transferred to another facility.

7. The Plaintiff in this action, Robert Lee Allen, submitted numerous inmate requests/grievance forms to members of the jail staff during his incarceration. All grievances submitted by Mr. Allen were placed in his jail file, per standard operating procedure. I do not remember receiving any request or complaint from the Plaintiff concerning any of the allegations made in his Complaint. Accordingly, the Plaintiff has failed to exhaust his administrative remedies at the Lowndes County Detention Facility.

8. I deny that I have acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of any right to which he was entitled.

9. I certify and state that the documents provided to this Court which are attached to the Defendants' Special Report are true and correct copies of inmate records kept at the Lowndes County Jail in the regular course of business.


10. I have read the foregoing Report and I swear that the information contained therein is true and correct to the best of my present knowledge.



11. I swear, to the best of my present knowledge, that the above statements are true, that I am competent to make this affidavit, and that the above statements are made by drawing from my personal knowledge of the situation.

  
WILLIE VAUGHNER

SWORN TO and SUBSCRIBED before me this the 4th day of May, 2007.

  
NOTARY PUBLIC  
My Commission Expires: April 6, 2010

(SEAL)